

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 24312.

**§ 334. Contractor certification or contract clause in acquisition of commercial items**

(a) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement in this subchapter.

(b) In subsection (a) of this section, the term “commercial item” has the meaning given such term in section 403(12) of Title 41.

(Pub. L. 87-581, title I, §108, as added Pub. L. 103-355, title VIII, §8301(b), Oct. 13, 1994, 108 Stat. 3396.)

## EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

**CHAPTER 6—ACQUISITION OF SITES FOR AND CONSTRUCTION OF PUBLIC BUILDINGS**

Sec.

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(j) Applicability of other sections.

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(b) Authority to exchange lands.

(c) Demolition of temporary buildings.

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357. Effect on Federal construction programs.

## CROSS REFERENCES

For provisions relating to the construction, alteration, and acquisition of public buildings of the Federal Government, see the Public Buildings Act of 1959, which is classified to section 601 et seq. of this title.

**§§ 341 to 342a. Repealed. Pub. L. 86-249, § 17(19), (20), Sept. 9, 1959, 73 Stat. 486**

Section 341, act May 25, 1926, ch. 380, §1, 44 Stat. 630, authorized acquisition of sites and construction of public buildings. See section 601 et seq. of this title.

Section 342, act May 25, 1926, ch. 380, §2, 44 Stat. 631, related to work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, and supervision of work authorized under sections 341, 342, 344, 345, 346, and 347 of this title.

Section 342a, act Dec. 22, 1927, ch. 5, 45 Stat. 32, related to manner of payment for outside professional services wherein period of performance extended beyond fiscal year in which contract for services was entered into.

## SAVINGS PROVISION

Section 17 of Pub. L. 86-249 provided in part that sections 23, 24, 32, 33, 59, 254, 259, 260, 262 to 265, 267, 268, 274 to 276, 277, 278, 282, 297 to 298, 298c, 341 to 342a, 344, 345, 346 to 350a, and 352 to 354 of this title are repealed except as to their application to any project referred to in section 613 of this title.

**§ 343. Omitted**

## CODIFICATION

Section, act May 25, 1926, ch. 380, §3, 44 Stat. 632, authorized Secretary of the Treasury to carry into effect provisions of existing law authorizing acquisition of land for sites and construction of public buildings in certain enumerated cities and provided an additional appropriation law.

**§§ 344, 345. Repealed. Pub. L. 86-249, § 17(19), Sept. 9, 1959, 73 Stat. 486**

Section 344, act May 25, 1926, ch. 380, §4, 44 Stat. 632, provided for submission of estimates to Bureau of the Budget, basis of allocation, availability of moneys essential to letting contracts, and required report to Congress.

Section 345, acts May 25, 1926, ch. 380, §5, 44 Stat. 633; June 16, 1949, ch. 218, title IV, §§402, 403, 63 Stat. 199; Sept. 2, 1958, Pub. L. 85-886, §4, 72 Stat. 1710, related to spacing of public buildings and to exchange of sites.

## SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

**§ 345a. Omitted**

## CODIFICATION

Section, acts May 25, 1926, ch. 380, §5, 44 Stat. 633; Feb. 16, 1931, ch. 203, §1, 46 Stat. 1164, provided appropriations for public-building program.

**§ 345b. Disposition of obsolete buildings and sites; purchase price**

In order to suitably dispose of certain Federal buildings and the sites thereof under the control of the Administrator of General Services, which have been supplanted by new structures, and for which the Administrator of General Services has determined there is no further Federal need, he is authorized, in his discretion, if he deems it to be in the best interests of the Government, to sell such buildings and sites or parts of sites to States, counties, municipalities, or other duly constituted political subdivisions of States for public use upon such terms, pursuant to such rules and regulations promulgated by him, as he deems proper, and to convey the same by the usual quitclaim deed, and he may enter into long-term contracts for the payment of the purchase price in such installments as he deems fair and reasonable and may furthermore waive any requirements for interest charges on deferred

payment: *Provided*, That the total purchase price shall in no case be less than 50 per centum of the appraised value of the land, the appraisal to be made by the Administrator of General Services: *Provided further*, That the proceeds of the sales shall be deposited in the Treasury as miscellaneous receipts.

(Aug. 26, 1935, ch. 684, § 1, 49 Stat. 800; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Pub. L. 86-608, July 7, 1960, 74 Stat. 363.)

#### AMENDMENTS

1960—Pub. L. 86-608 struck out provisions which empowered Administrator, in event portions of any Federal building sites under his control are desired by municipalities by reason of any duly authorized, comprehensive street-widening program, to deed to such municipalities, without cost, such areas needed for street uses as may be dedicated without jeopardy to Federal interest. See section 345c of this title.

#### TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

By Reorg. Plan No. I of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

#### EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

### § 345c. Conveyance or transfer of Federal property to States or political subdivisions

#### (a) Widening of public highways, streets, or alleys; determination by executive agency head

Whenever a State or political subdivision of a State makes application therefor in connection with an authorized widening of a public highway, street, or alley, the head of the executive agency having control over the affected real property of the United States may convey or otherwise transfer, with or without consideration, to such State or political subdivision for such highway, street, or alley widening purposes, such interest in such real property as he determines will not be adverse to the interests of the United States, subject to such terms and conditions as he deems necessary to protect the interests of the United States.

#### (b) "Executive agency" defined

As used in this section the term "executive agency" means any executive department or independent establishment in the executive branch of the Government of the United States, including any wholly owned Government corporation.

#### (c) Highway purposes

Nothing in this section shall be deemed to authorize the conveyance or other transference of

any interest in real property which can be transferred to a State or political subdivision of a State for highway purposes under title 23.

(Aug. 26, 1935, ch. 684, § 2, as added Pub. L. 86-608, July 7, 1960, 74 Stat. 363.)

#### REPEALS

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

### §§ 346 to 350a. Repealed. Pub. L. 86-249, § 17(19), (21)-(23), Sept. 9, 1959, 73 Stat. 486

Section 346, act May 25, 1926, ch. 380, § 6, 44 Stat. 634, related to control and allotment of space in public buildings.

Section 347, act May 25, 1926, ch. 380, § 7, 44 Stat. 635, provided for survey of public-building conditions.

Section 348, act Jan. 13, 1928, ch. 9, § 3, 45 Stat. 52, related to care, maintenance, and protection of public buildings constructed under sections 341 and 343 of this title.

Section 349, act Mar. 31, 1930, ch. 99, § 1(e), 46 Stat. 137, made provisions of sections 341, 342, 344, 345, 346 and 347 of this title applicable to the Territories.

Section 350, act June 27, 1930, ch. 645, 46 Stat. 823, authorized acceptance of donations of sites for public buildings.

Section 350a, act Mar. 31, 1930, ch. 99, § 1(c), 46 Stat. 137, authorized employment of outside professional or technical services of persons, firms, or corporations. See section 609 of this title.

#### SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

### § 351. Transferred

#### CODIFICATION

Section, act Aug. 24, 1949, ch. 506, title III, § 307, 63 Stat. 662, which prohibited use of funds of any wholly owned Government corporation for construction etc., of office buildings in Washington, D.C., for the use of the Government, was transferred to section 33a of this title and subsequently omitted from the Code.

### §§ 352 to 354. Repealed. Pub. L. 86-249, § 17(18), Sept. 9, 1959, 73 Stat. 486

Section 352, act June 16, 1949, ch. 218, title I, § 101, 63 Stat. 176, related to comprehensive planning of Federal public buildings outside the District of Columbia, cooperation between the Administrator of General Services and the Postmaster General, and equitable distribution of projects. See section 601 et seq. of this title.

Section 353, act June 16, 1949, ch. 218, title I, § 102, 63 Stat. 176, stated Congressional declaration of purpose for equitable distribution of selected projects.

Section 354, act June 16, 1949, ch. 218, title I, § 103, 63 Stat. 176, authorized appropriations for carrying out the purposes of sections 352 and 353 of this title.

#### SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see